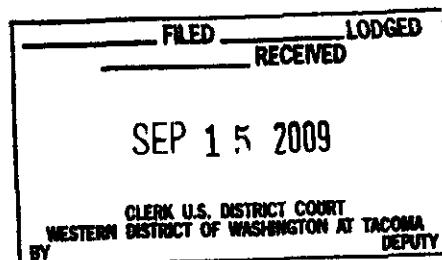


08-CV-05326-ORD



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GREGORY TYREE BROWN,

Plaintiff,

v.

DEVON SCHRUM et al.,

Defendants.

No. 08-5326RBL/JRC

ORDER ADOPTING REPORT AND  
RECOMMENDATION

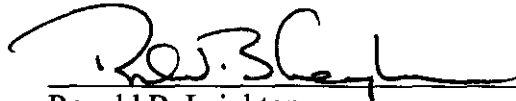
The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura, objections to the Report and Recommendation [Dkt. #86], and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendant Hotep was never served. Plaintiff has failed to show good cause for this failure of service. The claim against this Defendant is DISMISSED WITHOUT PREJUDICE.
- (3) The remaining Defendants who were served are entitled to summary judgment as they were not deliberately indifferent to a serious medical need given the facts present to them.

ORDER ADOPTING REPORT AND RECOMMENDATION- 1

1 (4) The Clerk is directed to send copies of this Order to plaintiff, counsel for  
2 defendants, and to the Hon. J. Richard Creatura.

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4 DATED this 14<sup>th</sup> day of September, 2009.

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6 Ronald B. Leighton  
7 United States District Judge  
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